

# CITY OF SOMERVILLE, MASSACHUSETTS

## Zoning Board of Appeals

Joseph A. Curtatone  
Mayor

Richard J. Daley, Jr., Chairman  
Mary R. Jeka, Esq., Clerk

Herbert F. Foster, Jr.  
Orsola Susan Fontano  
Marlene Smithers, (Alt.)

### AGENDA

Aldermanic Chambers, Second Floor, City Hall, 93 Highland Avenue,  
Wednesday, January 21, 2004

Executive Session 5:45 P.M.

DECISIONS 6:00 P.M. followed by HEARINGS

**EXECUTIVE SESSION** Assistant City Solicitor David Shapiro has requested to appear before the Board to discuss pending litigation regarding 343-349 Summer Street.

**22 White Street Place** The Applicant and Owner, Dane Baird seeks a clarification of a previously approved special permit #2003-35, the Applicant also requests to Withdraw Without Prejudice their request under SZO §5.3.8. ***The Board voted to allow the Applicant to Withdraw their appeal under §5.3.8. On the matter of the application for clarification, the Board voted (4-0) RD, MJ, HF, MS, that when the Special Permit had been issued to the Applicant, they understood that the building proposed would not look anything like the prior building.***

**343-349 Summer St.** ***No Action will be taken with respect to the hearing on January 7, 2004.*** The Applicant, Emerald Development Group, along with its Agent T. P. Morris, is requesting: (1) clarification and, where necessary, revisions or amendments relating to the findings and conditions: 2) an increase in the side yard setback for a Special Permit with Site Plan Review previously rendered decision on June 26, 2002, appeal #2002-23, which is the subject of an appeal in Middlesex Superior Court, Docket no. 02-3071. The original Special Permit authorized the construction of a four story, 14-unit residential building with inclusionary units off site and underground parking in the Central Business District (CBD). The Applicant has filed a Motion for Limited Remand. Any revisions will be made in accordance with and subject to the Court Limited Remand Order. ***Case re-advertised and re-noticed and will be heard on February 4, 2004.***

**180 Somerville Ave** The Applicants, Target Corporation, along with their Agent, VHB, Inc., and the property owner, Northern Artery Association, are requesting revisions to previously approved plans for appeal #2002-96. The Applicant is requesting that the revisions be considered minor and approved as presented (SZO §5.3.8). Business A (BA) zoning district. ***Minor Revision approved (4-0) RD, MJ, HF, MS.***

**9-11 Aldersey St.** The Owner, G&T Realty Associates & Applicant, Gerard Meehan, seek to convert an existing three-family to a five-family, as well as construct two, three unit townhouses, for a total of eleven units. The Applicant has been cited under §4.4.1, §4.5.3, §7.2, §7.3 and §7.11.1.d of the S.Z.O. The Applicant is also making appeal under §3.1.9. of the S.Z.O. RA zone. *Testimony taken, case continued until February 4, 2004. The record will remain open until 4:30 p.m. on Thursday, January 29, 2004 for written testimony.*

**51 Warren St.** Applicant, Antonio Pereira, and Owners: Antonio Pereira and Maria Pereira. The Applicant seeks site plan approval to subdivide a lot in order to construct a 6-unit dwelling on the new lot (SZO §8.8). Applicant also requires two special permits to modify parking requirements (SZO §9.13.b and §9.13.c) and a variance from rear yard setback (SZO §8.5.i). BA zone. *Request granted to continue matter until February 4, 2004.*

**398 Medford St.** The Applicant and Owner, Gabriel Lorus seeks a special permit to alter a nonconforming structure (SZO §4.4.1) to construct two window wells for egress windows and an egress stairway. Residence B (RB) zoning district. *Denied (4-0) RD, MJ, HF, MS.*

**278 Beacon St.** Applicant, OmniPoint Holdings, Inc.; Agent: Peter Cooke; Owner: Beacon Four Trust. The Applicant is proposing to expand an existing telecommunications installation through a revision to a previously issued Special Permit (SZO §5.3.8). This expansion would include the addition of an equipment cabinet and a GPS antenna. *Testimony taken, case continued until February 4, 2004.*

**44 Park St.** Applicant: 44 Park Street, LLC; Owner: Maldemer, LLC; Agent: Terry Morris. The Applicant seeks a special permit with site plan review under SZO §7.11.1.c to construct forty-three (43) residential units. The Applicant also requires variances from §8.5.f (maximum height), §8.5.h (side yard setback), and §8.5.i (rear yard setback). The Applicant is subject to the Incentives for Provision of Affordable Housing section of the SZO, §13.5. Residence C (RC) zoning district. *Request to continue granted, case not opened, matter continued until February 4, 2004.*

**3 Beacon St.** Applicant: Ashfield Pubs, Inc.; Owner: TBL Realty Trust. The Applicant seeks three special permits to alter a nonconforming structure (SZO §4.4.1), to alter a non-conforming use (§4.5.3), to establish a restaurant/lounge (§7.11.10.a), for failure to provide four off-street parking spaces (§9.13.a), in order to renovate an existing bar (Abbey Lounge) to expand and create a wine bar. R C zone. *Testimony taken, case continued until February 4, 2004.*

**ZBA 1/21/04**